

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

DARRELL JOHN WILLIAMSON,

Defendant.

**ORDER and
MEMORANDUM DECISION**

Case No. 2:10-CR-414 CW

Now before the court is Defendant Darrell John Williamson's objection to the court's order of August 2, 2011, in which the court denied Mr. Williamson's motion to suppress. Mr. Williamson contends that in its analysis, the court relied on certain evidence proffered by the government but not admitted into evidence. He contends that to rely on such evidence is a violation of his right to due process.

While it is true that the court discussed the proffered evidence in its analysis section, it is not accurate to say that the court relied on the evidence to reach its decision. The denial of the motion was based on the grounds that Mr. Williamson did not have an expectation of privacy in the duffel bag in which the firearm was located, and that even if he did society would not recognize such an expectation. In coming to this conclusion, the court expressly stated that it

reached this conclusion even fully crediting Mr. Williamson's testimony about how he found the bag. As stated in the Order, "[e]ven assuming that Mr. Williamson's testimony on how he found the bag is true, the circumstances clearly told him that he had no right to expect privacy in the bag and its contents." (August 2 Order at 6, Dkt. No. 67.) The court further made clear that even if everything Mr. Williamson said about the bag is true, society would not recognize a right to privacy in the bag. (*Id.*)

The finding that Mr. Williamson stole the bag, which the court did use the proffered evidence to reach, was an alternative ground and was not dispositive of the outcome of the motion. Accordingly, Mr. Williamson's objection is **OVERRULED** and the court again orders that his motion to suppress is **DENIED**.

DATED this 2nd day of December, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge